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14
15 **UNITED STATES DISTRICT COURT**

16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 **Eduardo Munoz**, individually and on
18 behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 **7-Eleven, Inc.**, a Texas corporation

22 Defendant.

Case No. 2:18-cv-03893-RGK-AGR

23 **PLAINTIFF'S STATEMENT OF**
24 **UNCONTROVERTED FACTS**
25 **AND CONCLUSIONS OF LAW**
26 **IN SUPPORT OF MOTION FOR**
27 **SUMMARY JUDGMENT**

Date: May 20, 2019

Time: 9:00 a.m.

Judge: Hon. R. Gary Klausner

Place: Courtroom 850

Complaint Filed: May 9, 2018

Plaintiff Edwardo Munoz (“Plaintiff” or “Munoz”) hereby submits this Statement of Uncontroverted Facts and Conclusions of Law in support of his Motion for Summary Judgment. The following facts material to Plaintiff’s claims are uncontroverted:

Uncontroverted Facts	Evidentiary Support
1. Edwardo Munoz applied for a job at a 7-Eleven store in Los Angeles, California in January of 2018.	<i>See</i> Woodrow Decl., Ex. B, at 66:1–11; Ex. C, at 135:21–136:11.
2. Munoz was hired on or around January 28, 2018.	<i>See</i> Woodrow Decl., Ex. B, at 66:1–5, 110:10–111:7; Ex. C, at 66:3–67:4.
3. As part of the hiring process, 7-Eleven provided Munoz with a form that contained a disclosure that 7-Eleven would obtain a report or reports regarding Munoz and an authorization of 7-Eleven to obtain such reports.	<i>See</i> Woodrow Decl., Ex. A; Ex. B, at 52:17–20, 53:8–21; Ex. C, at 48:12–24.
4. The disclosure form describes the information that would be included in the “report,” such as credit history, criminal history, and information obtained through personal interviews with employers, friends, family members, or associates.	<i>See</i> Woodrow Decl., Ex. A.
5. The disclosure includes contact information for 7-Eleven’s credit reporting agency, Sterling Talent Solutions, Inc.	<i>See</i> Woodrow Decl., Ex. A.

1 2 3 4	6. The disclosure also includes a statement that “[s]tate statutory provisions may also provide additional protections for consumer reports.”	<i>See</i> Woodrow Decl., Ex. A.
5 6 7	7. The form itself was submitted to the Court with Plaintiff’s Complaint and has not been disputed by 7-Eleven.	<i>See</i> Woodrow Decl., Ex. B, at 52:17–20, 53:8–21; <i>see also</i> Compl., Ex. A, ECF 1-1.
8 9 10	8. Munoz signed the form, and 7-Eleven subsequently procured a consumer report on Munoz.	<i>See</i> Woodrow Decl., Ex. B, at 104:17–19, 104:25–105:6, 105:18–24.
11 12 13 14	9. Munoz was fired on or around February 21, 2018, based on information contained in the consumer report procured by 7-Eleven.	<i>See</i> Woodrow Decl., Ex. C, at 143:12–17, 172:1–13.
15 16 17 18	10. The same FCRA notice that was provided to Plaintiff Munoz was also provided to approximately 57,000 other Class Members.	<i>See</i> Woodrow Decl., Ex. B, at 53:8–21, 152:19–153:22.
19 20 21 22	11. 7-Eleven has not disclosed the number or identities of those who reside in California, despite 7-Eleven’s sole control over such information.	<i>See</i> Minute Order Re Further Order on Telephonic Discovery Conference, ECF 56.
23 24 25 26	12. Plaintiff’s counsel deposed Kristen Cope on January 30, 2019, as 7-Eleven’s corporate designee pursuant to FRCP 30(b)(6).	<i>See</i> Woodrow Decl., Ex. B, at 1.

13. On behalf of 7-Eleven, Ms. Cope testified that the disclosure form at issue described consumer reports, background reports, and investigative reports all at once.	<i>See</i> Woodrow Decl., Ex. B, at 82:9–24, 88:7–19; 89:2–22.
14. Ms. Cope testified that, while consumer reports relate to credit checks, criminal history is part of a separate background check.	<i>See</i> Woodrow Decl., Ex. B, at 83:19–23, 87:17–88:6.

Dated: April 17, 2019

By: /s/ Steven L. Woodrow
One of Plaintiff's Attorneys

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PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS AND CONCLUSIONS OF LAW

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on April 17, 2019.

/s/ Steven L. Woodrow